

## Surface Transportation Board, DOT

## § 1022.4

SOURCE: 77 FR 64432, Oct. 22, 2012, unless otherwise noted.

### § 1022.1 Scope and purpose.

The purpose of this part is to establish a method to adjust for inflation the civil monetary penalties provided by law within the jurisdiction of the Board. These penalties shall be subject to review and adjustment at least once every four years using the method specified in the Debt Collection Improvement Act of 1996, Public Law 104-134, 110 Stat. 1321, as it amends the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101-410, 104 Stat. 890 (codified as amended at 28 U.S.C. 2461 note). The inflation adjustment is calculated by increasing the maximum civil monetary penalty amount per violation by the Cost-of-Living Adjustment, which is the percentage (if any) by which the Consumer Price Index for June of the year preceding the adjustment exceeds the Consumer Price Index for June of the year the civil monetary penalty amount was last set or adjusted, multiplied by the statutory maximum amount, rounded to the nearest specified amount using the formula contained in the statute. The initial adjustment, however, is capped at 10% of the penalty, regardless of the applicable rate of inflation.

### § 1022.2 Definitions.

As used in this part:

(a) *Board* means the Surface Transportation Board.

(b) *Civil monetary penalty* means any penalty, fine, or other sanction that:

(1)(i) Is for a specific monetary amount as provided by federal law; or

(ii) Has a maximum amount provided by federal law;

(2) Is assessed or enforced by the Board pursuant to federal law; and

(3) Is assessed or enforced pursuant to an administrative proceeding or a civil action in the federal courts.

(c) *Consumer Price Index* means the Consumer Price Index for all urban consumers published by the Department of Labor.

(d) *Cost-of-Living Adjustment* means the percentage (if any) for each civil monetary penalty by which the Consumer Price Index for the month of June of the calendar year preceding the

adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the amount of such civil monetary penalty was last set or adjusted pursuant to law.

### § 1022.3 Civil monetary penalty inflation adjustment.

The Board shall, immediately, and at least once every four years thereafter—

(a) By regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Board by the inflation adjustment described in § 1022.4; and

(b) Publish each such adjustment in the FEDERAL REGISTER.

### § 1022.4 Cost-of-living adjustments of civil monetary penalties.

(a) Pursuant to the Debt Collection Improvement Act of 1996, as it amends the Federal Civil Penalties Inflation Adjustment Act of 1990, the increase of a civil monetary penalty assessed under this section shall be determined by multiplying the Cost-of-Living Adjustment by the existing maximum civil monetary penalty, rounded to the nearest specified amount using the guidelines set forth in paragraph (b) of this section.

(b) Any increase determined under paragraph (a) of this section shall be rounded to the nearest:

(1) Multiple of \$10 in the case of penalties less than or equal to \$100;

(2) Multiple of \$100 in the case of penalties greater than \$100 but less than or equal to \$1,000;

(3) Multiple of \$1,000 in the case of penalties greater than \$1,000 but less than or equal to \$10,000;

(4) Multiple of \$5,000 in the case of penalties greater than \$10,000 but less than or equal to \$100,000;

(5) Multiple of \$10,000 in the case of penalties greater than \$100,000 but less than or equal to \$200,000; or

(6) Multiple of \$25,000 in the case of penalties greater than \$200,000.

(c) The first adjustment of any civil monetary penalty required by § 1022.3 may not exceed 10% of such penalty.

(d) The first application of the inflation adjustment method required by

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the statute results in the following adjustments to the civil monetary penalties within the jurisdiction of the Board:

U.S. Code citation	Civil monetary penalty description	Maximum penalty amount year 1996	Adjusted maximum penalty amount year 2012
<b>Rail Carrier Civil Penalties</b>			
49 U.S.C. 11901(a) .....	Unless otherwise specified, maximum penalty for each knowing violation under this part, and for each day.	\$5,000	\$5,500
49 U.S.C. 11901(b) .....	For each violation under sections 11124(a)(2) or (b) .....	500	550
49 U.S.C. 11901(b) .....	For each day violation continues .....	25	27.50
49 U.S.C. 11901(c) .....	Maximum penalty for each knowing violation under sections 10901–10906 .....	5,000	5,500
49 U.S.C. 11901(d) .....	For each violation under sections 11123 or 11124(a)(1) .....	100–500	110–550
49 U.S.C. 11901(d) .....	For each day violation continues .....	50	55
49 U.S.C. 11901(e)(1) .....	For each violation under sections 11141–11145 .....	500	550
49 U.S.C. 11901(e)(2) .....	For each violation under section 11144(b)(1) .....	100	110
49 U.S.C. 11901(e)(3)–(4) .....	For each violation of reporting requirements, for each day .....	100	110
<b>Motor and Water Carrier Civil Penalties</b>			
49 U.S.C. 14901(a) .....	Minimum penalty for each violation under sections 13501–13508, 13531, 13901, 13902(c), and for each day.	500	550
49 U.S.C. 14901(a) .....	Minimum penalty if not registered to provide passenger transportation, for each violation under section 13901, and for each day.	2,000	2,200
49 U.S.C. 14901(b) .....	Maximum penalty for each violation of the hazardous waste rules under section 3001 of the Solid Waste Disposal Act.	20,000	22,000
49 U.S.C. 14901(d)(1) .....	Minimum penalty for each violation of household good regulations, and for each day.	1,000	1,100
49 U.S.C. 14901(d)(2) .....	Minimum penalty for each instance of transportation of household goods if broker provides estimate without carrier agreement.	10,000	11,000
49 U.S.C. 14901(d)(3) .....	Minimum penalty for each instance of transportation of household goods without being registered.	25,000	27,500
49 U.S.C. 14901(e) .....	Minimum penalty for each violation of a transportation rule .....	2,000	2,200
49 U.S.C. 14901(e)(2) .....	Minimum penalty for each additional violation .....	5,000	5,500
49 U.S.C. 14903(a) .....	Maximum penalty for undercharge or overcharge of tariff rate, for each violation.	100,000	110,000
49 U.S.C. 14904(a) .....	For first violation, rebates at less than the rate in effect .....	200	220
49 U.S.C. 14904(a) .....	For all subsequent violations .....	250	275
49 U.S.C. 14904(b)(1) .....	Maximum penalty for first violation for undercharges by freight forwarders .....	500	550
49 U.S.C. 14904(b)(1) .....	Maximum penalty for subsequent violations .....	2,000	2,200
49 U.S.C. 14904(b)(2) .....	Maximum penalty for other first violations under section 13702 .....	500	550
49 U.S.C. 14904(b)(2) .....	Maximum penalty for subsequent violations .....	2,000	2,200
49 U.S.C. 14905(a) .....	Maximum penalty for each knowing violation of section 14103(a), and any violation of section 14103(b).	10,000	11,000
49 U.S.C. 14906 .....	For first attempt to evade regulation .....	200	220
49 U.S.C. 14906 .....	Minimum amount for each subsequent attempt to evade regulation .....	250	275
49 U.S.C. 14907 .....	Maximum penalty for recordkeeping/reporting violations .....	5,000	5,500
49 U.S.C. 14908(a)(2) .....	Maximum penalty for violation of section 14908(a)(1) .....	2,000	2,200
49 U.S.C. 14910 .....	When another civil penalty is not specified under this part, for each day .....	500	550
49 U.S.C. 14915(a) .....	Minimum penalty for holding a household goods shipment hostage, for each day.	10,000	11,000
<b>Pipeline Carrier Civil Penalties</b>			
49 U.S.C. 16101(a) .....	Maximum penalty for violation of this part, for each day .....	5,000	5,500
49 U.S.C. 16101(b)(1) .....	For each recordkeeping violation under section 15722, each day .....	500	550
49 U.S.C. 16101(b)(2) .....	For each inspection violation liable under section 15722, each day .....	100	110
49 U.S.C. 16101(b)(3) .....	For each reporting violation under section 15723, each day .....	100	110
49 U.S.C. 16103(a) .....	Maximum penalty for improper disclosure of information .....	1,000	1,100

**Parts 1030–1039—Carriers Subject to Part I, Interstate Commerce Act**

1033.2 Car service orders.

AUTHORITY: 49 U.S.C. 721, 11121, 11122.

**PART 1033—CAR SERVICE**

**§ 1033.1 Car hire rates.**

(a) Definitions applicable to this section:

Sec.

1033.1 Car hire rates.